(1)

NO 123 MAY 30 2000

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No. _____

In The

SUPREME COURT of the UNITED STATES

Albert Richard Salman,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent.

On Petition For A Writ Of Certiorari
To The Supreme Court Of Nevada

PETITION FOR A WRIT OF CERTIORARI

Albert Richard Salman
In Propria Personae andSui-Juris
c/o P. O. Box 7492
Reno, Nevada 89510
775-673-4308

71 pp

QUESTIONS PRESENTED FOR REVIEW

1. Can the Supreme Court of the State of Nevada legally, lawfully and Constitutionally compel a criminal appellant (the Petitioner), against his will and over his objections, to waive his Federal and State Constitutionally protected Right to Contract in order to pursue a statutorily granted right to appeal from a criminal conviction?

2. Did the Supreme Court of the State of Nevada have in rem and in personam jurisdiction over Petitioner to issue the Order of January 7, 2000 and the Order of March 17, 2000?

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Albert Richard Salman respectfully prays that a writ of certiorari issue to review the Order Dismissing Appeal, dated March 17, 2000, issued by the Supreme Court of the State of Nevada, entered in Case No. 32704 of the Supreme Court of the State of Nevada on March 17, 2000.

OPINIONS BELOW

The March 17, 2000, Order Dismissing Appeal of the Supreme Court of the State of Nevada in Case No. 32704, dated March 17, 200. This decision is unpublished and is reprinted in the Appendix. App. 9.

The next prior Order of the Supreme Court of the State of Nevada is Case No. 32704, dated January 7, 2000. This decision is unpublished and is reprinted in the Appendix. App. 6.

The next prior Order of the Second Judicial District Court of the State of Nevada, In and For the County of Washoe, Case No.CR98-0482, dated September 18, 1998. This decision is unpublished and is reprinted in the Appendix. App. 4.

STATEMENT OF JURISDICTION

The Order Dismissing Appeal by the Supreme Court of the State of Nevada was entered on March 17, 2000. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 1254 and 1257.

CONSTITUTIONAL PROVISIONS, STATUTES AND RULES INVOLVED

United States Constitution, Article I, Section 10, Clause 1:

No state shall pass any law impairing the obligation of contracts.

Constitution of the State of Nevada, Article I, Section 15:

Bill of Attainder; ex post facto law; obligation of contract. No bill of attainder, ex-post-facto law, or law impairing the obligation of contracts shall ever be passed.

Nevada Revised Statute 1.225:

NRS 1.225 Grounds and procedure for disqualifying supreme court justices.

1. A justice of the supreme court shall not act as such in an action or proceeding when he entertains actual bias or prejudice for or against one of the parties to the action.

2. A justice of the supreme court shall not act as such in an action or proceeding when implied bias exists in any of the following respects:

(a) When he is a party to or interested in the action or proceeding.

(b) When he is related to either party by consanguinity

or affinity within the third degree.

(c) When he has been attorney or counsel for either of the parties in the particular action or proceeding before the court.

(d) When he is related to an attorney or counselor for either of the parties by consanguinity or affinity within the third degree.

3. A justice of the supreme court, upon his own motion, may disqualify himself from acting in any matter upon the ground of actual or implied bias.

4. Any party to an action or proceeding seeking to disqualify a justice of the supreme court for actual or implied bias shall file a charge in writing, specifying the facts upon which such disqualification is sought. Hearing on such charge shall be had before the other justices of the supreme court.

5. Upon the disqualification of a justice of the supreme court pursuant to this section, a district judge shall be designated to sit in his place as provided in section 4 of article 6 of the constitution of the State of Nevada.

6. No person shall be punished for contempt for making, filing or presenting a charge for disqualification pursuant to subsection 4.

Nevada Revised Statute 177.015 et. seq. in its relevant parts:

NRS 177.015. Appeals to district and supreme court. The party aggrieved in a criminal action may appeal only as follows:

1. Whether that party is the state or the defendant:

(a) To the district court of the county from a final judgment of the justice's court.

(b) To the supreme court from an order of the district court granting a motion to dismiss, a motion for

acquittal or a motion in arrest of judgment, or granting or refusing a new trial.

3. The defendant only may appeal from a final judgment or verdict in a criminal case.

NRS 177.025. Appeal to supreme court taken on questions of law alone. The appeal to the supreme court from the district court can be taken on questions of law alone.

Nevada Revised Statute 202.360:

NRS 202.360 Ex-felon not to possess firearm; penalty.

1. A person who has been convicted of a felony in this or any other state, or in any political subdivision thereof, or of restrict his right to bear arms, shall not own or have in his possession or under his custody or control any firearm.

2. As used in this section, "firearm" includes any firearm that is loaded or unloaded and operable or inoperable.

3. A person who violates the provisions of this section is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and may be further punished by a fine of not more than $5,000.

Nevada Rules of Appellant Procedure, Rule 35:

RULE 35. DISQUALIFICATION OF JUSTICES

(a) Motion and Charges re Disqualification; Timeliness of Filing; Burden of Proof; Certificate of Attorney. Any ground for disqualification or recusal of a supreme court justice that is not raised in a timely manner through the filing of a formal motion or charge shall be deemed waived. In cases or proceedings before the Supreme Court of Nevada,

motions and charges seeking the disqualification or recusal of a justice must not be based on any ground that the moving party has heretofore omitted to raise formally as soon as possible after receiving either actual or constructive notice thereof. In no event will the supreme court deem timely any motion or charge seeking the disqualification of recusal of a justice who has heard argument upon, or otherwise considered, any contested matter in the cause, except as to grounds based on fraud or like illegal conduct of which the challenging party had no notice until after the contested matter was considered.

The motion or charge, the supporting affidavits, and the supporting brief of legal points and authorities, must not claim or suggest ostensible facts that are neither established by proper averments in the supporting affidavits nor by the record of the case. Any and all assertions of fact that are not documented by proper sworn averments in the affidavits, as provided herein, must be supported by citations to the specific page and line where support appears in the record of the case.

The motion or charge must contain the certificate of the attorney, as an officer of the court, reciting specifically under oath that the attorney has read the motion or charge and supporting documents, that they all are in the form required by this rule, that based on personal investigation the attorney believes all grounds asserted to be legally valid and all supporting factual allegations to be true, and that the motion is made in good faith and not for purposes of delay or for other improper motive.

(b) Form of Motions and Charges; Supporting Affidavits. A motion or charge seeking disqualification or recusal of a justice must be in writing, must set forth each ground for disqualification separately and with particularity, and for each ground must be supported, as to every fact

alleged, by affidavit made upon personal knowledge by a person or persons affirmatively shown competent to testify. Supporting affidavits must set forth only such facts as would be admissible in evidence, and, as to all incidents or occurrences alleged, must establish timeliness by stating specifically the times and circumstances under which it is claimed that the same were discovered. Statements not in this form must not be filed. The burden of properly supporting with particularity both the timeliness of the motion or charge, and the grounds therefor, is upon the party who tenders the motion or charge.

(c) Legal Authorities. All motions and charges seeking disqualification or recusal of a justice must be accompanied by a brief of legal points and authorities, setting forth specifically and under separate headings the legal basis for each ground alleged in the motion or charge. Failure to present substantial legal authority for any ground is a basis for summary denial of the motion or charge, and is a willful violation of this rule.

(d) Personal Service Upon Opposing Counsel; Response; Reply Allowed Only With Leave of Court. The motion or charge, and all supporting documents, must be personally served upon counsel for all adverse parties at least one (1) full judicial day before being tendered to the Clerk of this court for filing, and unless otherwise ordered all adverse parties will have ten (10) days from the date on which a motion or charge has been filed in which to file opposition, including answering points and authorities and affidavits. A reply to the opposition must not be tendered to the clerk for filing without leave of court first granted upon application to the chief justice or other justice next senior in commission against whom the motion or charge is not directed, after three

(3) days' notice in writing to all interested parties. A motion or charge for disqualification or recusal will be decided, without further written submissions from the parties, upon the filing of the motion or charge, and the opposition, together with any reply that has been authorized. Serial motions or charges, whether entitled as separate challenges, or as supplements, or entitled in any other way, must not be filed, and will not be entertained. Telefax communications must not be employed to expand upon authorized submissions or in any way to avoid the limitations stated herein.

The challenged justice may tender a response to the motion or charge, either in writing, or orally at any hearing that may be ordered by the court.

(e) Sanctions for Abuse or Failure to Comply With Rule. For any violation of this rule, or for the filing of any motion or charge or supporting documents found to be tendered for purposes of delay, lacking diligence or lacking good faith in any particular, the court may impose appropriate sanctions, including awards of costs, attorneys' fees, and damages to any person injured, delayed or inconvenienced by the motion or charge. If the supreme court determines that any abuse or misconduct has occurred warranting professional sanctions beyond monetary awards, the court may convene a hearing for the purpose of determining the same or, in its discretion, may appoint a master to conduct a hearing in its stead and to make recommendations as to the sanctions to be imposed.

Any true and relevant statement properly made in presenting a motion or charge as provided by this rule is privileged. There is no privilege to present defamatory matter in a motion or charge, or in supporting documents, that is untrue or that is contained in any paper filed without

authorization under this rule.

Nevada Rules of Appellant Procedure, Rule 46 in relevant part:

RULE 46. ATTORNEYS

(a) Practice Before Supreme Court--Bar Membership Required; Exceptions. No person may practice law before the Supreme Court who is not an active member of the State Bar of Nevada except as provided by SCR 42. If foreign counsel is associated on the briefs, all such briefs shall be signed by Nevada counsel, who shall be responsible to the Court for the content. If foreign counsel is associated upon oral argument, Nevada counsel shall be present during oral argument and shall be responsible to the Court for all matters presented.

(b) Appearances in Proper Person. With leave of the Supreme Court, a party may file, in proper person, written briefs and papers submitted in accordance with these rules.

STATEMENT OF THE CASE

On April 15, 1998, Albert Richard Salman, Petitioner, was compelled, against his will and over his objections, under threat of gun and threat of imprisonment, by District Judge Deborah Agosti, Department #3, Second Judicial District Court of the State of Nevada, In and For the County of Washoe, to enter a plea of not guilty to fifteen (15) counts of being an ex-felon in possession of a firearm, NRS 202.360.

Even after multiple requests by Petitioner, the Deputy District Attorney and District Judge Deborah Agosti refused to define the terms used in the information filed against Petitioner. This is Case No. CR98-0482. This reprehensible tactic made it impossible for Petition to make a plea knowingly, willingly and of his own free will.

On May 26, 1998, Albert Richard Salman, Petitioner was denied the ability to put forth an unrestricted defense by District Judge Margaret Springgate, Department #9, Second Judicial District Court of the State of Nevada, In and For the County of Washoe. This is Case No. CR98-0482.

This restriction of defense to Petitioner consisted of Judge Springgate only allowing Petitioner to address the two (2) hour period of his arrest and nothing else. Petitioner was denied the ability to submit exculpatory evidence created by the State of Nevada in that case against Petitioner. Petitioner was also denied his statutory right to enter into evidence the very same Federal probation papers used by the State of Nevada to enable the State of Nevada to prosecute Petitioner.

On May 27, 1998, Albert Richard Salman, Petitioner, was found guilty of fifteen (15) felonies of being an ex-felon in possession of a firearm, NRS 202.360, in the Second Judicial District Court of the State of Nevada, In and For the

County of Washoe in Department #9. This is Case No. CR98-0482.

On June 2, 1998, Petitioner filed a Motion for New Trial.

On June 12, 1998, the Deputy District Attorney filed Opposition to Motion for New Trial.

On June 24, 1998, Petitioner filed Rebuttal to Opposition to Motion for New Trial.

On June 29, 1998, Judge Margaret Springgate issued Judgment in the aforementioned case. Petitioner was sentenced to a "maximum term of 36 months with a minimum parole eligibility of 12 months in the Nevada Department of Prisons on each count concurrent, the sentences to be suspended and the defendant to be placed on an indeterminate period of probation not to exceed 18 months under the following special conditions. . ."

On September 11, 1998, Chief Justice Springer of the Supreme Court of the State of Nevada issued Order of Remand for Designation of Counsel to Judge Margaret Springgate of the Second Judicial District Court of the State of Nevada, In and For the County of Washoe, requiring Petitioner to contract with an attorney licensed within the State of Nevada. This Order is unreported and is reprinted in

the Appendix. App. 1.

On September 18, 1998, Judge Margaret Springgate of the Second Judicial District Court of the State of Nevada, In and For the County of Washoe, issued Order requiring Petitioner to contract with an attorney licensed within the State of Nevada. This Order is unreported and is reprinted in the Appendix. App. 4.

On September 28, 1998, Petitioner filed Notice and Demand for Hearing On Illegal and Unlawful Order contending that this Order abridged Petitioner's U. S. Constitutional and Nevada Constitutionally protected Right to Contract or Not to Contract.

On October 7, 1998, Judge Margaret Springgate of the Second Judicial District Court of the State of Nevada, In and For the County of Washoe, issued Order denying to Petitioner a hearing as requested.

On February 1, 1999, Petitioner filed Notice and Demand for Judicial Determination of Accused/Defendant's Rights. Petitioner requested a determination on whether or not Petitioner had the protected U. S. Constitutional and Nevada Constitutional Right to Contract or Not to Contract.

On February 9, 1999, Judge James Hardesty, Department #9, Second Judicial District Court of the State of

Nevada, In and For the County of Washoe, issued Order.

On February 16, 1999, Petitioner filed Supplement to Notice and Demand as Directed by Judge Hardesty.

On February 26, 1999, the Deputy District Attorney, In and For the County of Washoe, State of Nevada, filed Response to Notice and Demand for Judicial Determination of Accused/Defendant's Rights and Supplement to Notice and Demand as Directed by Judge Hardesty.

On March 1, 1999, Petitioner filed Accused/ Defendant's Reply to Accuser's Response.

On March 2, 1999, in open court, Judge Hardesty, Second Judicial District Court of the State of Nevada, In and For the County of Washoe, refused to state whether or not Petitioner has the U. S. Constitutional and Nevada Constitutionally protected Right to Contract or Not to Contract. Judge Hardesty sent the case back to the Supreme Court of the State of Nevada.

On March 8, 1999, Petitioner filed Notice and Demand for Reconsideration, objecting to the off-point decisions cited by Judge Hardesty, Second Judicial District Court of the State of Nevada, In and For the County of Washoe.

On March 24, 1999, Petitioner filed Civil and Criminal Charges, Pursuant to N.R.S. 1.225 and Nevada Rules of

Appellant Procedure, Rule 35, against Justice Cliff Young of the Supreme Court of the State of Nevada. These Civil and Criminal Charges are more extensive than those filed against Justice Robert Rose and these charges against Justice Rose are reprinted in Appendix. App. 11.

On March 24, 1999, Petitioner filed Criminal Charges, Pursuant to N.R.S. 1.225 and Nevada Rules of Appellant Procedure, Rule 35, against Chief Justice Robert Rose of the Supreme Court of the State of Nevada. These charges are reprinted in the Appendix. App. 11.

On March 24, 1999, Petitioner filed Criminal Charges, Pursuant to N.R.S. 1.225 and Nevada Rules of Appellant Procedure, Rule 35, against Justice Deborah Agosti of the Supreme Court of the State of Nevada. These charges are reprinted in the Appendix. App. 25.

On March 24, 1999, Petitioner filed Criminal Charges, Pursuant to N.R.S. 1.225 and Nevada Rules of Appellant Procedure, Rule 35, against Justice William Maupin of the Supreme Court of the State of Nevada. This complaint is substantially the same as that of Justices Rose and Agosti listed in the Appendix.

On March 24, 1999, Petitioner filed Criminal Charges, Pursuant to N.R.S. 1.225 and Nevada Rules of Appellant

Procedure, Rule 35, against Justices Miriam Shearing, Nancy Becker and Myron Leavitt of the Supreme Court of the State of Nevada. This complaint is substantially the same as that of Justices Rose and Agosti listed in the Appendix.

On July 17, 1999, Petitioner filed Statement of Complaints on all the Justices of the Supreme Court of the State of Nevada with the State of Nevada Commission on Judicial Discipline concerning the criminal actions committed by all of the Justices of the Supreme Court of the State of Nevada.

On January 7, 2000, Chief Justice Robert Rose of the Supreme Court of the State of Nevada issued Order requiring Petitioner to waive his protected U. S. Constitutional and Nevada Constitutional Right to Contract or Not to Contract. Chief Justice Robert Rose ordered the Clerk of the Supreme Court of the State of Nevada to return all documents filed by Petitioner with the Supreme Court of the State of Nevada. This Order is not reported and is reprinted in the Appendix. App. 6.

On January 12, 2000, Petitioner filed Appellant's Objections to Chief Justice Rose's Order Filed January 7, 2000.

On February 22, 2000, Chief Justice Robert Rose of

the Supreme Court of the State of Nevada issued Order re: Record on Appeal. On February 29, 2000, Petitioner filed Notice of Lack of Jurisdiction of Chief Justice Rose to Issue the Following Order re: Record on Appeal.

On March 17, 2000, Chief Justice Robert Rose, Justice Cliff Young and Justice Myron Leavitt issued Order Dismissing Appeal. This Order is not reported and is reprinted in the Appendix. App. 9.

This Petition for a Writ of Certiorari follows.

REASONS FOR GRANTING THE WRIT

1. The Writ Should Be Granted In Order To Determine If The Supreme Court Of The State Of Nevada Can Legally, Lawfully And Constitutionally Compel A Criminal Appellant (Petitioner), Against His Will And Over His Objections, To Waive His Federal And State Constitutionally Protected Right To Contract In Order To Pursue A Statutorily Granted Right To Appeal From A Criminal Conviction

The Order Dismissing Appeal by the Supreme Court of the State of Nevada, dated March 17, 2000, should be review by this Court due to the incontrovertible fact that the Supreme Court of the State of Nevada has knowingly,

willingly, intentionally and overtly abridged Petitioner's United States Constitutional and the Nevada State Constitutional Right to Contract or Not to Contract.

Petitioner is guaranteed a statutory right of appeal by Nevada Revised Statute (NRS) 177.015, et. seq.

Petitioner attempted to utilize his statutory right of appeal by following the Nevada Rules of Appellate Procedure and the Nevada Supreme Court Rules. Two previous Nevada State courts, involved in the instant case, had ruled that Petitioner was competent to handle his own case. This was accomplished via the *Faretta* canvass. *Faretta v. California*, 422 U.S. 806 (1974).

For no obvious defined reason(s) the Supreme Court of the State of Nevada order Petitioner to enter into a contract to secure an unwanted and undesired licensed attorney to represent Petitioner before the Supreme Court of the State of Nevada.

This order to obtain outside legal representation occurred after Nevada Supreme Court Justice Cliff Young was taken to task, by Petitioner, for Justice Young falsifying the record in the instant case. In order to try to control the damage of Justice Young being caught falsifying the record, Chief Justice Springer denied Petitioner's Supreme Court Rule

46 (b) Motion, with no stated reason(s), that required In Propria Personae litigants to receive permission from the Supreme Court before an In Propria Personae litigant could appeal before that court. This motion was denied without explanation(s), which seems to be an inane maneuver which controvened the existing statutory law and left deceitful motives in the open for subsequent courts to review in a less biased manner.

At the same time, Chief Justice Springer ordered District Court Judge Margaret Springgate to order Petitioner to retain licensed counsel which, effectively, would utilize illegal and unlawful judicial force in compelling Petitioner to waive this Constitutionally protected Right to Contract or Not to Contract. App. 1. Petitioner has been utilizing the various state and federal courts for over twenty (20) years, so there is no apparent compelling governmental interest in precluding Petitioner from appearing before the State of Nevada Supreme Court In Propria Personae. The order of Chief Justice Springer was negligent, at best and criminal at worst, in failing to give any justification(s), rule(s) or statute(s) which stated or showed that Petitioner was not qualified to handle his own case before the Supreme Court of the State of Nevada.

Judge Springgate did issue an order as directed by Chief Justice Springer. App. 4. Petitioner filed a Petition for Writ of Prohibition with the United States District Court, District of Nevada. This Petition was denied. On appeal to the United States Court of Appeals for the Ninth Circuit, that court upheld the decision by the lower court. Both courts refused to rule on whether or not Petitioner had the Right to Contract or Not to Contract.

Judge James Hardesty, District Judge, held a hearing and returned the order of Chief Justice Springer back to the Supreme Court of the State of Nevada without ruling on whether or not Petitioner had the Right to Contract or Not to Contract. This was because Judge Hardesty refused to get involved in what he knew involved a Constitutional question that was initiated by the Supreme Court of the State of Nevada.

Petitioner then decided his only legal and lawful alternative was to demand his statutory right to appeal pursuant to NRS 177.015 et.seq. Chief Justice Rose, of the Supreme Court of the State of Nevada, then decided that a Supreme Court Rule made a lawful statute subservient to the Supreme Court Rule. Chief Justice Rose issued an order to Petitioner to hire a licensed attorney which, had Petitioner

complied with the illegal and unlawful order, would have had the effect of Petitioner waiving his Right to Contract or Not to Contract. App. 6.

Petitioner timely objected to this illegal and unlawful order issued by Chief Justice Rose contending that Chief Justice Rose was creating law which was in violation of the *Separation of Powers Doctrine* and which would deny Petitioner's Right to Contract or Not to Contract. Petitioner's objections were summarily ignored.

Chief Justice Rose, Justices Young and Leavitt, lacking in rem and in personam jurisdiction, summarily issued an order dismissing Petitioner's appeal because Petitioner would not waive his Right to Contract or Not to Contract. The decisions cited by the Supreme Court of the State of Nevada were *Blandino v. State*, 112 Nev. 352, 914 F.2d 624 (1996) and *Martinez v. Court of Appeals of California*, 120 S.Ct. 684 (2000). App. 9.

Petitioner in his Notice and Demand for Reconsideration, dated March 8, 1999, submitted to Judge Hardesty, District Judge, shows that the *Blandino* case is off-point concerning Petitioner's case. The *Blandino* decision never dealt with an individual that had twice been declared competent, by separate Nevada court, involved in the same

case, to handle his own defense. The *Blandino* decision never dealt with whether or not an individual must waive the Right to Contract or Not to Contract. Petitioner had never based his demand to defend himself on religious beliefs as was done in *Blandino*.

There are no Nevada Revised Statutes that state the Petitioner does not have the Right to be In Propria Personae on appeal in the State of Nevada. The Supreme Court of the State of Nevada was unlawfully and illegally requiring Petitioner to waive his Right to Contract or Not to Contract to secure his statutory Right to a criminal appeal. And, in a decision that lacked legal, lawful, moral, ethical and juristic integrity, the Supreme Court of the State of Nevada decided to use the threat of loss of appeal (and the subsequent denial of Petitioner's appeal) in trying to use the ugly black morass of judicial coercion to convince Petitioner to accede to their ignominious demands.

This Court stated in *Simmons v. U. S.*, 390 U.S. 389 (1968) that: "We find it intolerable that one constitutional right should have to be surrendered in order to assert another." Petitioner's case clearly shows that, to comply with the Nevada Supreme Court Order, Petitioner must surrender the Constitutional Right to Contract or Not to Contract in

order to secure a statutory right to appeal his case without being fettered by unwanted counsel in the form of a licensed attorney whose main fealty is to the court that allows the attorney to practice.

Wheatland v. Maloney, 294 P. 499, states that "securing attorney's services is a matter of private contract." See: *American Mutual Liability Ins. Co. v. Superior Court*, 113 Cal.Rept. 561, 570: *Carr v. Grace*, 321 So.2d 618.

The attorney is an officer of the court and his first duty is to the courts and the public, not to the client. See: *U. S. v. Frank*, D.C.N.J., 53 F.2d 128, reversed on other grounds; *In re Kelly*, D.C.Mont. 243 F. 696; *Petition of Florida State Bar Ass'n*, 186 So. 280, 134 Fla. 851; *State ex rel. Nebraska State Bar Ass'n v. Jensen*, 105 N.W.2d 459, 171 Neb. 1, certiorari denied 81 S.Ct. 905, 365 U.S. 870, 5 L.Ed.2d 860; *State v. Stokes*, 243 N.W.2d 372; *State Bar v. Guardian Abstract & Title Co.*, 575 P.2d 943 (1978); *Vaughn v. Califano*, 442 F.Supp. 185 (1977); *Peake v. County of Philadelphia, Pennsylvania*, 280 F.Supp. 853 (1968).

This Court must determine whether there is and what is the compelling governmental interest of the Supreme Court of the State of Nevada in compelling Petitioner to contract with licensed and unwanted legal counsel? See: *American*

Federation of Government Employees v. Richard B. Cheny, 93 Daily Journal DAR 1154. This is but one case of hundreds of cases involving compelling governmental interest. Each of which addressed an issue initiated by a prior legislative enactment. Government through the legislative process can restrict the parameters of a contract. In order to restrict contracts there has to be a compelling government interest that has to be clearly delineated. Without the statutory delineation defining the government's compelling interest there can be no abridgement or impairment of the Right to Contract.

Sans any prior legislative enactment, the Supreme Court of the State of Nevada is totally and absolutely without the power or ability to try to compel Petitioner to Contract or in any other way to impair Petitioner's Constitutionally protected Right to Contract or Not to Contract.

It is especially critical in adjudicating any legal issue that the court must have no interest other than the pursuit of justice. See: *Tumey v. Ohio*, 293 U.S. 510. It is obvious, in the instant case, that the Justices of the Supreme Court of the State of Nevada have a vested personal interest in not allowing Due Process and Equal Protection of the Law to exist in the instant case. How, then, is Petitioner to prevail

against a court filled with biased jurists?

As far as Petitioner is concerned evil intent, by the Justices of the Supreme Court of the State of Nevada, has, once again, revealed its ugly presence. This action of Chief Justice Springer trying to restrict Petitioner's access to the Supreme Court of the State of Nevada to pursue his appeal came about only after Justice Cliff Young was caught, by Petitioner, illegally and unlawfully falsifying a government record that negatively impacted Petitioner's Rights to Due Process and Equal Protection of the Law.

Lacking any statutory authority, it must be concluded the Supreme Court of the State of Nevada decided, knowingly, willingly and intentionally, to infringe upon the legislative domain in direct violation of the *Separation of Powers Doctrine*, to create its own law.

The Supreme Court of the State of Nevada also cited *Martinez v. Court of Appeal of California*, 120 S.Ct. 684 (2000). This Court in the *Martinez* decision never addressed whether or not *Martinez* had the Right to Contract or Not to Contract when *Martinez* was perfecting his appeal. Petitioner contends that the *Martinez* case does not address Petitioner's question which is whether the state courts can legally, lawfully and constitutionally compel Petitioner to Contract or

Not to Contract without there being an infringement or absolute denial of the protection afforded by the U. S. Constitutional and Nevada Constitutional clauses against the impairment of contracts.

2. The Court Should Grant Certiorari To Decide If The Supreme Court Of The State Of Nevada Had In Rem And In Personam Jurisdiction Over Petitioner To Issue The Order Of January 7, 2000, And The Order Of March 17, 2000.

On March 24, 1999, Petitioner filed Civil and Criminal Charges, pursuant to Nevada Revised Statute 1.225 and Nevada Rules of Appellant Procedure, Rule 35, against Justice Cliff Young and Criminal Charges against all of the other Justices of the Supreme Court of the State of Nevada. Two of these Criminal Charges are reprinted in the Appendix. App. 11 and 25. Please note the charges are substantially the same for the rest of the Justices of the Supreme Court of the State of Nevada with the exception of civil charges filed only against Justice Cliff Young.

Pursuant to Nevada Revised Statute 1.225 and Nevada Rules of Appellant Procedure, Rule 35, the Justices of the Supreme Court of the State of Nevada are required to recuse themselves from the case until a hearing is conducted upon

the charges filed by the Petitioner. Chief Justice Robert Rose, of the Supreme Court of the State of Nevada, dismissed all of Petitioner's charges against the various Justices by his Order of January 7, 2000. This Order is reprinted in the Appendix. App. 6. This dismissal by Chief Justice Robert Rose ignored all of the legal and lawful parameters instituted by the Nevada State Legislature concerning his actions in the case once he and the other Justices were charged.

Butz v. Economou, 438 U.S. 478, cites *United States v. Lee*, 106 U.S. 196, 220, 1 S.Ct. 240, 27 L.Ed. 171 (1882) which states that:

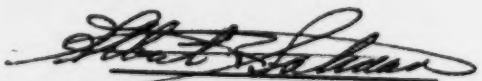
> "No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All of the officers of the government, from the highest to the lowest, are creatures of the law, and are bound to obey it. It is the only supreme power in our system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives."

No hearing(s) on Petitioner's charges was/were ever held.

Chief Justice Robert Rose, Justice Cliff Young and Justice Myron Leavitt, lacking in rem or in personam jurisdiction over Petition, then proceeded to dismiss Petitioner's Supreme Court of the State of Nevada criminal appeal. This Order is reprinted in the Appendix. App. 9. Petitioner contends that in the event the Justices of the Supreme Court of the State of Nevada can dismiss criminal and civil charges filed against them, then, it only stands to reason, Petitioner can dismiss the criminal charges filed against him by the State of Nevada for being an ex-felon in possession of a firearm, Nevada Revised Statute 202.360.

CONCLUSION

WHEREFORE, Petition respectfully prays that a Writ of Certiorari be granted.



Albert Richard Salman
In Propria Personae
and Sui-Juris
c/o P. O. Box 7492
Reno, Nevada 89510
775-673-4308

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IN THE SUPREME COURT
OF THE STATE OF NEVADA

Albert Richard Salman,

Appellant,

vs.

THE STATE OF NEVADA,
Respondent.

No. 32704

(Filed
Sept. 11, 1998)

ORDER OF REMAND FOR
DESIGNATION OF COUNSEL

This is a proper person appeal from a judgment of conviction. We remand this appeal to the district court for the limited purpose of securing counsel for appellant. See: *Evitts v. Lucey*, 469 U.S. 387 (1985). If appellant is indigent, the district court shall have thirty (30) days within which to appoint counsel for appellant. Otherwise, the district court shall order that, within thirty (30) days, appellant must retain counsel and counsel must enter an appearance in the district court.

Within five (5) days from the appointment or appearance of counsel, the district court clerk shall: (1) transmit to the clerk of this court a copy of the district court's written or minute order; and (2) serve a copy of this order of remand on appellant's counsel. Thereafter, counsel shall have

ten (10) days within which to enter an appearance with the clerk of this court. Appellant's counsel shall file the docketing statement required by NRAP 14, within twenty (20) days from the date of counsel's first appearance in this court.[1] Appellant's counsel shall have one hundred and twenty (120) days from the date of counsel's first appearance in this court within which to file an opening brief on appellant's behalf. Briefing shall thereafter proceed in accordance with NRAP 31 (a)(1).

It is so ORDERED.

SPRINGER, C.J.

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[1] Appellant has not been granted permission to file documents in this matter in proper person. See NRAP 46 (b). However, on July 20, 1998 and July 29, 1998, appellant submitted proper person requests for transcripts of the

proceedings. In response, the court reporters have filed certified copies of transcripts of the proceedings. In the interest of expediting this matter, we direct the clerk of this court to file appellant's proper person requests for transcripts filed on July 20, 1998 and July 29, 1998. Further, appellant's counsel may file a supplemental transcript request form, if counsel deems it warranted.

Appellant filed a proper person motion to file written briefs and papers on July 20, 1998, and a proper person motion for expansion of brief on August 31, 1998. Because appellant will be represented by counsel in this appeal, we deny these motions.

On July 29, 1998, appellant submitted a proper person response to false and misleading statement in this court's order filed July 27, 1998. We note that our subsequent order filed July 30, 1998, resolved the request and motion.

Case No. CR98-0482 (Filed

Department No. 9 Sep. 18, 1998)

IN THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

Plaintiff,

vs. ORDER

Albert Richard Salman,

Defendant.

_____/

On September 11, 1998, the Nevada Supreme Court remanded this case to the district court for the purpose of defendant's designation of counsel on appeal. As defendant has previously advised this court that he is not indigent and therefore does not qualify for the appointment of counsel,

IT IS HEREBY ORDERED that within thirty (30) days from the date of this order, Defendant Albert Richard Salman must retain counsel and said counsel must enter an appearance in this court.

DATED this 18th day of September, 1998.

MARGARET SPRINGGATE
District Judge

IN THE SUPREME COURT
OF THE STATE OF NEVADA

Albert Richard Salman,

No. 32704

Appellant,

vs.

(Filed
Jan. 7, 2000)

THE STATE OF NEVADA,

Respondent.

ORDER

This is a proper person appeal from a judgment of conviction entered pursuant to a jury verdict of fifteen counts of being an ex-felon in possession of a firearm. The district court imposed fifteen concurrent terms of twelve to thirty-six months. The district court suspended the sentences and placed appellant on probation for an indeterminate period not to exceed eighteen months. Appellant represented himself in the district court proceedings.

On July 14, 1998, appellant filed a proper person notice of appeal from the judgment of conviction. On September 11, 1998, we remanded this matter to the district court for the limited purpose of securing counsel for appellant. If the district court found appellant to be indigent, we ordered the district court to appoint counsel to represent

appellant within thirty days. Otherwise, we directed the district court to order that appellant must retain counsel and counsel must enter an appearance in the district court within thirty days.

On September 18, 1998, the district court determined that appellant had "previously advised this court that he is not indigent and therefore does not qualify for the appointment of counsel." The district court ordered that appellant must retain counsel and counsel must enter an appearance within thirty days.

On March 15, 1999, appellant submitted to this court a proper person demand to pursue this appeal in proper person. In this proper person document, appellant argues that he has a constitutional right to appeal in this court and pursue this appeal in proper person.

This court has held that there is no statutory or constitutional right to self-representation in a direct appeal from a judgment of conviction. See Blandino v. State, 112 Nev. 352, 914 P.2d 624 (1996). Accordingly, appellant shall have thirty (30) days from the date of this order within which to secure counsel and have counsel enter an appearance in this court.[1] We caution appellant that failure to comply with this order may result in the immediate dismissal of this

appeal.

Appellant has also submitted numerous other proper person documents, including motions to disqualify all members of this court from participation in this matter. These motions do not comply with even the most rudimentary requirements of NRAP 35. Moreover, appellant has not been granted permission to file documents in this matter in proper person, and we decline to grant him permission to do so. See NRAP 46 (b). Accordingly, we direct the clerk of this court to return to appellant unfiled all proper person documents received to date in this appeal. Appellant shall proceed hereafter by and through counsel and shall address all concerns relating to this appeal to his counsel.

It is so ORDERED.

ROSE, C.J.

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[1] All filing deadlines, including those set forth in NRAP 9, NRAP 14, and NRAP 31 (a) (1), shall commence to run from the date on which counsel is required, under this order, to enter an appearance in this court.

IN THE SUPREME COURT
OF THE STATE OF NEVADA

Albert Richard Salman,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 32704

(Filed
Mar. 17, 2000)

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of fifteen counts of being an ex-felon in possession of a firearm. On January 7, 2000, this court ordered appellant to secure counsel and have counsel enter an appearance in this court. This court cautioned appellant that failure to secure counsel might result in the immediate dismissal of this appeal. Appellant had failed to secure counsel, and we

ORDER this appeal dismissed.

ROSE, C.J.

YOUNG, J.

LEAVITT, J.

Appellant has no constitutionally-protected right to represent himself in this direct appeal. See Martinez v. Court of Appeal of California, ___ U.S. ___, 120 S. Ct. 684 (2000); Blandino v. State, 112 Nev. 352, 914 P.2d 624 (1996). Nor does it appear that appellant is indigent and entitled to court-appointed counsel.

We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.

App. 11

IN THE SUPREME COURT
OF THE STATE OF NEVADA

Albert R. Salman,

Appellant, No. 32704

vs.

THE STATE OF NEVADA,

Respondent./

CRIMINAL CHARGES AGAINST JUSTICE ROBERT ROSE FOR: ALTERING CASE TO THE PUBLIC; N.R.S. 193.330, 1; N.R.S. 195.030, 1; N.R.S. 199.120, 1; N.R.S. 199.170; N.R.S. 199.290, 1; and N.R.S. 199.480, 3.

COMES NOW the Appellant, Albert R. Salman, In Propria Personae and Sui-Juris, pursuant to Article I, Section 8, of the Nevada Constitution, and hereby, pursuant to N.R.S. 1.225 and Nevada Rules of Appellate Procedure, Rule 35, submits these criminal charges against JUSTICE ROBERT ROSE. The Supreme Court of the State of Nevada has not heard any of these criminal charges, has not heard any arguments or considered any contested matter in this instant case.

These CRIMINAL CHARGES AGAINST JUSTICE ROBERT ROSE are based upon the supporting affidavits, the supporting brief of legal points and authorities and the

complete record of this instant case.

Based thereon, Albert R. Salman, the Appellant, respectfully **DEMANDS** that JUSTICE ROBERT ROSE proceed no further herein and that another justice be assigned to hear this proceeding.

DATED; this 22nd day of March 1999.

Albert R. Salman
Appellant
c/o P. O. Box 7492
Reno, Nevada [89510]
702-673-4308

SUPPORTING AFFIDAVIT

STATE OF NEVADA)
) ss:
COUNTY OF WASHOE)

I, Albert R. Salman, duly sworn, deposes and says:

1. That I am the Appellant in the above entitled case;

2. That I was the Appellant in the case entitled Salman v. Newell, 110 Nev. 1333, 885 P2d 607 (1994);

3. That I personally know that JUSTICE ROBERT ROSE had knowingly, willingly and intentionally altered and misrepresented the case authority of Jones v. Niagara Frontier Trans. Auth., 722 F.2d 20 (2d Cir. 1983) to deny to the Appellant Salman in Salman, supra. his contractual, fiducial and statutory Rights to represent a Trust in the courts of Nevada by adding the words "nor a trust" to the decision rendered in Jones, supra.;

4. That I personally know that JUSTICE ROBERT ROSE had knowingly, willingly and intentionally altered and misrepresented the case authority of Jones v. Niagara Frontier

Trans. Auth., 722 F.2d 20 (2d Cir. 1983) which constitutes an obvious, willful, corrupt and inexcusable attempt to prejudice the public of the State of Nevada and denying, to the Appellant Salman, Due Process of Law by willfully exhibiting to the public of the State of Nevada an incompetent and prejudicial decision;

5. That I personally know that JUSTICE ROBERT ROSE had knowingly, willingly and intentionally altered and misrepresented the case authority of Jones v. Niagara Frontier Trans. Auth., 722 F.2d 20 (2d Cir. 1983) as a frivolous, vexations and sham case to the public of the State of Nevada under the guise of color of law and in violation of the law;

6. That I personally know that JUSTICE ROBERT ROSE, in violation of N.R.S. 193.330, section 1, did knowingly, willingly and intentionally cause or intended to be caused the falsification of government documents in the case of Salman v. Newell, 110 Nev. 1333, 885 P2d 607 (1994),

with the malice of forethought and intention to do contractual and fiduciary harm to me as the Appellant in Salman, supra.;

7. That I personally know that JUSTICE ROBERT ROSE, in violation of N.R.S. 195.030, section 1, did knowingly, willingly and intentionally aid JUSTICE CLIFF YOUNG in keeping and securing his position as a JUSTICE of the Supreme Court of the State of Nevada knowing that JUSTICE CLIFF YOUNG, since his latest illness, has become senile and mentally incompetent which bars JUSTICE CLIFF YOUNG from holding the august office of JUSTICE OF THE SUPREME COURT OF THE STATE OF NEVADA.

8. That I personally know that JUSTICE ROBERT ROSE, in violation of N.R.S. 199.120, section 1, did knowingly, willingly and intentionally render the decision in Salman v. Newell, 110 Nev. 1333, 885 P2d 607 (1994), and make an unqualified statement of that which he did not know to be true with the malice of forethought and with the

intention to do contractual and fiduciary harm to me as the Appellant in Salman, supra.;

9. That I personally know that JUSTICE ROBERT ROSE, in violation of N.R.S. 199.170, section 1, did knowingly, willingly and intentionally violate his Oath of Office when JUSTICE ROBERT ROSE rendered the decision in Salman v. Newell, 110 Nev. 1333, 885 P2d 607 (1994);

10. That I personally know that JUSTICE ROBERT ROSE, in violation of N.R.S. 199.290, section 1, did knowingly, willingly and intentionally conceal the fact that JUSTICE CLIFF YOUNG since his latest illness, has become senile and mentally incompetent which bars JUSTICE CLIFF YOUNG from holding the august office of JUSTICE OF THE SUPREME COURT OF THE STATE OF NEVADA. This was done so that JUSTICE CLIFF YOUNG could remain as a JUSTICE OF THE SUPREME COURT OF NEVADA entitling JUSTICE YOUNG to the numerous benefits of that

august office for which JUSTICE CLIFF YOUNG is not entitled;

11. That I personally know that JUSTICE ROBERT ROSE, in violation of N.R.S. 199.480, section 3 and in conjunction with the other JUSTICES OF THE SUPREME COURT OF NEVADA, did knowingly, willingly and intentionally conceal the fact that JUSTICE CLIFF YOUNG since his latest illness, has become senile and mentally incompetent which bars JUSTICE CLIFF YOUNG from holding the august office of JUSTICE OF THE SUPREME COURT OF THE STATE OF NEVADA so that JUSTICE CLIFF YOUNG could remain as a JUSTICE OF THE SUPREME COURT OF NEVADA entitling JUSTICE YOUNG to the numerous benefits of that august office for which JUSTICE CLIFF YOUNG is not entitled;

12. That the undersigned declares that he is the Appellant named in the foregoing Criminal Charges against

Justice Robert Rose and knows the contents thereof; that the pleading is true of his own knowledge, except as to those matters stated on information and belief, and that as to such matters he believes it to be true.

DATED: this 22nd day of March 1999.

Albert R. Salman
Affiant

SUPPORTING BRIEF OF LEGAL POINTS AND AUTHORITIES

CHARGE #1. JUSTICE ROBERT ROSE ALTERED AND MISREPRESENTED A COURT DECISION TO THE PUBLIC OF THE STATE OF NEVADA.

Albert R. Salman personally knows that JUSTICE ROBERT ROSE did knowingly, willingly and intentionally alter, falsify and misrepresent to the public of the State of Nevada the decision that was rendered in Jones v. Niagara Frontier Trans. Auth., 722 F.2d 20 (2d Cir. 1983). This Jones decision was utilized by JUSTICE ROBERT ROSE in Salman v. Newell, 110 Nev. 1333, 885 P2d 607 (1994) to deny to Albert R. Salman his contractual, fiduciary and statutory Right to represent a trust in the courts of the State of Nevada.

Albert R. Salman personally knows that JUSTICE ROBERT ROSE did knowingly, willingly and intentionally, by the fraudulent Salman, supra. decision, amend the Constitution of the State of Nevada, Article 3, Section 1; Article 4, Sections 17, 21 and 23, to the detriment of the public of the State of Nevada and Albert R. Salman in his capacity as trustee.

CHARGE #2. JUSTICE ROBERT ROSE HAS VIOLATED N.R.S. 193.330, SECTION 1.

Albert R. Salman personally knows that JUSTICE ROBERT ROSE, in violation of N.R.S. 193.330, section 1, did knowingly, willingly and intended or caused to be intended the falsification of government documents in the case of Salman v. Newell, 110 Nev. 1333, 885 P2d 607 (1994), with the malice of forethought and intention to do contractual and fiduciary harm to me as the Appellant in Salman, supra.;

CHARGE #3. JUSTICE ROBERT ROSE HAS VIOLATED N.R.S. 195.030, SECTION 1.

Albert R. Salman personally knows that JUSTICE ROBERT ROSE, in violation of N.R.S. 195.030, section 1, did knowingly, willingly and intentionally aid JUSTICE CLIFF YOUNG in keeping and securing his position as a JUSTICE of the Supreme Court of the State of Nevada knowing that JUSTICE CLIFF YOUNG, since his latest illness, has become senile and mentally incompetent which bars JUSTICE CLIFF YOUNG from holding the august office of JUSTICE OF THE SUPREME COURT OF THE STATE OF NEVADA.

JUSTICE CLIFF YOUNG cannot, today, understand the Oath of Office that he swore to when he was elected to the Supreme Court of the State of Nevada. JUSTICE CLIFF

YOUNG, today, cannot, pursuant to the Nevada Constitution, uphold the laws of the State of Nevada as defined by N.R.S. 199.170.

CHARGE #4. JUSTICE ROBERT ROSE HAS VIOLATED N.R.S. 199.120, SECTION 1.

Albert R. Salman personally knows that JUSTICE ROBERT ROSE, in violation of N.R.S. 199.120, section 1, did knowingly, willingly and intentionally render the decision in Salman v. Newell, 110 Nev. 1333, 885 P2d 607 (1994), and make an unqualified statement of that which he did not know to be true with the malice of forethought and intention to do contractual and fiduciary harm to me as the Appellant in Salman, supra.

CHARGE #5. JUSTICE ROBERT ROSE HAS VIOLATED N.R.S. 199.170, SECTION 1.

Albert R. Salman personally knows that JUSTICE ROBERT ROSE, in violation of N.R.S. 199.170, section 1, did knowingly, willingly and intentionally violate his Oath of Office when JUSTICE ROBERT ROSE rendered the decision in Salman v. Newell, 110 Nev. 1333, 885 P2d 607 (1994) with the intention of depriving Albert R. Salman and the public of the State of Nevada their Constitutional and Statutory Right to appear in any court of the State of Nevada

in the capacity as trustee.

JUSTICE ROBERT ROSE has further violated his Oath of Office by not informing the people of the State of Nevada that JUSTICE CLIFF YOUNG, since his latest illness, has become senile and mentally incompetent which bars JUSTICE CLIFF YOUNG from holding the august office of JUSTICE OF THE SUPREME COURT OF THE STATE OF NEVADA.

CHARGE #6. <u>JUSTICE ROBERT ROSE HAS VIOLATED N.R.S. 199.290, SECTION 1.</u>

Albert R. Salman personally knows that JUSTICE ROBERT ROSE, in violation of N.R.S. 199.290, section 1, has knowingly, willingly and intentionally concealed the fact that JUSTICE CLIFF YOUNG, since his latest illness, has become senile and mentally incompetent, which bars JUSTICE CLIFF YOUNG from holding the august office of JUSTICE OF THE SUPREME COURT OF THE STATE OF NEVADA so that JUSTICE CLIFF YOUNG could remain as a JUSTICE OF THE SUPREME COURT OF NEVADA entitling JUSTICE YOUNG to the numerous benefits of that august office for which JUSTICE CLIFF YOUNG is not entitled.

CHARGE #7. JUSTICE ROBERT ROSE HAS VIOLATED N.R.S. 199.480, SECTION 3.

Albert R. Salman personally knows that JUSTICE ROBERT ROSE, in violation of N.R.S. 199.480, section 3 and in conjunction with the other JUSTICES OF THE SUPREME COURT OF NEVADA, did knowingly, willingly and intentionally conceal the fact that JUSTICE CLIFF YOUNG, since his latest illness, has become senile and mentally incompetent which bars JUSTICE CLIFF YOUNG from holding the august office of JUSTICE OF THE SUPREME COURT OF THE STATE OF NEVADA so that JUSTICE CLIFF YOUNG could remain as a JUSTICE OF THE SUPREME COURT OF NEVADA entitling JUSTICE YOUNG to the numerous benefits of that august office for which JUSTICE CLIFF YOUNG is not entitled;

DATED: this 22nd day of March 1999.

Albert R. Salman
Appellant
c/o P. O. Box 7492
Reno, Nevada [89510]
702-673-4308

CERTIFICATE OF APPELLANT

Under penalties of perjury, the undersigned declares that he is the Appellant named in the foregoing Criminal Charges Against JUSTICE ROBERT ROSE and knows the contents thereof of the Charges and Supporting Documents; that the Charges are true of his own knowledge based on personal investigation; that the Appellant believes all grounds asserted to be legally valid and all supporting factual allegations to be true; that the Charges are made in good faith and not for purposes of delay or for other improper motive.

_____

Albert R. Salman
Appellant

IN THE SUPREME COURT
OF THE STATE OF NEVADA

Albert R. Salman,

Appellant, No. 32704

vs.

THE STATE OF NEVADA,

Respondent./

CRIMINAL CHARGES AGAINST JUSTICE DEBORAH AGOSTI FOR: VIOLATION OF APPELLANT'S RIGHTS; N.R.S. 193.330, 1; N.R.S. 195.030, 1; N.R.S. 199.120, 1; N.R.S. 199.170; N.R.S. 199.290, 1; and N.R.S. 199.480, 3.

COMES NOW the Appellant, Albert R. Salman, In Propria Personae and Sui-Juris, pursuant to Article I, Section 8, of the Nevada Constitution, and hereby, pursuant to N.R.S. 1.225 and Nevada Rules of Appellate Procedure, Rule 35, submits these criminal charges against JUSTICE DEBORAH AGOSTI. The Supreme Court of the State of Nevada has not heard any of these criminal charges, has not heard any arguments or considered any contested matter in this instant

case.

These CRIMINAL CHARGES AGAINST JUSTICE DEBORAH AGOSTI are based upon the supporting affidavits, the supporting brief of legal points and authorities and the complete record of this instant case.

Based thereon, Albert R. Salman, the Appellant, respectfully **DEMANDS** that JUSTICE DEBORAH AGOSTI proceed no further herein and that another justice be assigned to hear this proceeding.

DATED; this 22nd day of March 1999.

Albert R. Salman
Appellant
c/o P. O. Box 7492
Reno, Nevada [89510]
702-673-4308

SUPPORTING AFFIDAVIT

STATE OF NEVADA)
) ss:
COUNTY OF WASHOE)

I, Albert R. Salman, duly sworn, deposes and says:

1. That I am the Appellant in the above entitled case;

2. That JUSTICE DEBORAH AGOSTI as District Judge, Department #3, Second Judicial District Court of Nevada, In and For the County of Washoe, did knowingly, willingly and intentionally commit the following Rights violations against Albert R. Salman:

a. Denied to Albert R. Salman the Right to the Writ of Habeas Corpus;

b. Stated in open court that she was "rushing to justice" Albert R. Salman;

c. Intentionally disregarded statutory requirements for the conduct of a legal, lawful and Constitutional arraignment;

d. Forcefully compelled a plea from Albert R. Salman under threat of physical harm by bailiff and threat of imprisonment; and

e. Had never given any legal and lawful reason(s), pursuant to the law, for denying all of Albert R. Salman's motions at pre-trial hearings.

3. That I personally know that JUSTICE DEBORAH AGOSTI, in violation of N.R.S. 193.330, section 1, did knowingly, willingly and intentionally cause or intended to cause the violation of all of the Constitutional and Statutory Rights of Albert R. Salman with the knowing, willing and intent to deny to Albert R. Salman Due Process and Equal Protection of the Law;

4. That I personally know that JUSTICE DEBORAH AGOSTI, in violation of N.R.S. 195.030, section 1, did knowingly, willingly and intentionally aid JUSTICE CLIFF YOUNG in keeping and securing his position as a JUSTICE of the Supreme Court of the State of Nevada knowing that JUSTICE CLIFF YOUNG, since his latest illness, has become senile and mentally incompetent which bars JUSTICE CLIFF YOUNG from holding the august office of JUSTICE OF THE SUPREME COURT OF THE STATE OF NEVADA.

5. That I personally know that JUSTICE DEBORAH AGOSTI, in violation of N.R.S. 199.120, section 1, did knowingly, willingly and intentionally render the decisions in the case THE STATE OF NEVADA vs. Albert R. Salman, Case No. CR98-0482, Second Judicial District Court of the State of Nevada, which denied to Albert R. Salman his Right to a Writ of Habeas Corpus, "rushing to justice" of Albert R.

Salman, denying to Albert R. Salman a legal, lawful and Constitutional arraignment and Due Process and Equal Protection of the Law;

6. That I personally know that JUSTICE DEBORAH AGOSTI, in violation of N.R.S. 199.170, section 1, did knowingly, willingly and intentionally violate her Oath of Office when JUSTICE DEBORAH AGOSTI, as District Judge, did knowingly, willingly and intentionally render the decisions in the case THE STATE OF NEVADA vs. Albert R. Salman, Case No. CR98-0482, Second Judicial District Court of the State of Nevada, which denied to Albert R. Salman his Right to a Writ of Habeas Corpus, "rushing to justice" of Albert R. Salman, denying to Albert R. Salman a legal, lawful and Constitutional arraignment and Due Process and Equal Protection of the Law;

7. That I personally know that JUSTICE DEBORAH AGOSTI, in violation of N.R.S. 199.290, section 1, did knowingly, willingly and intentionally conceal the fact that JUSTICE CLIFF YOUNG since his latest illness, has become senile and mentally incompetent which bars JUSTICE CLIFF YOUNG from holding the august office of JUSTICE OF THE SUPREME COURT OF THE STATE OF NEVADA so that JUSTICE CLIFF YOUNG could remain as a JUSTICE OF

THE SUPREME COURT OF NEVADA entitling JUSTICE YOUNG to the numerous benefits of that august office for which JUSTICE CLIFF YOUNG is not entitled;

8. That I personally know that JUSTICE DEBORAH AGOSTI, in violation of N.R.S. 199.480, section 3 and in conjunction with the other JUSTICES OF THE SUPREME COURT OF NEVADA, did knowingly, willingly and intentionally conceal the fact that JUSTICE CLIFF YOUNG, since his latest illness, has become senile and mentally incompetent which bars JUSTICE CLIFF YOUNG from holding the august office of JUSTICE OF THE SUPREME COURT OF THE STATE OF NEVADA so that JUSTICE CLIFF YOUNG could remain as a JUSTICE OF THE SUPREME COURT OF NEVADA entitling JUSTICE YOUNG to the numerous benefits of that august office for which JUSTICE CLIFF YOUNG is not entitled;

9. That the undersigned declares that he is the Appellant named in the foregoing Criminal Charges against Justice Deborah Agosti and knows the contents thereof; that the pleading is true of his own knowledge, except as to those matters stated on information and belief, and that as to such matters he believes it to be true.

DATED: this 22nd day of March 1999.

Albert R. Salman
Affiant

STATE OF NEVADA)
) ss:
COUNTY OF WASHOE)

On the _____ day of _____, 199___, before me, the undersigned, a Notary Public in and for the County of Washoe, State of Nevada, duly commissioned and sworn, personally appeared Albert R. Salman, known to be to be the person whose name is subscribed to the within instrument, and who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes herein mentioned.

WITNESS that on this day I have personally put my hand and official seal.

_____
NOTARY PUBLIC

SUPPORTING BRIEF OF LEGAL POINTS AND AUTHORITIES

CHARGE #1. JUSTICE DEBORAH AGOSTI, AS DISTRICT JUDGE, VIOLATED ALL OF THE RIGHTS OF ALBERT R. SALMAN.

Albert R. Salman personally knows that JUSTICE DEBORAH AGOSTI, as District Judge, Second Judicial District Court of the State of Nevada, in Case No. CR98-0482, THE STATE OF NEVADA VS. Albert R. Salman, did knowingly, willingly and intentionally commit the following Rights violations against Albert R. Salman, of: denying to Albert R. Salman the Right to the Writ of Habeas Corpus; stating in open court that she was "rushing to justice" Albert R. Salman; intentionally disregarding statutory requirements for the conduct of a legal, lawful and Constitutional arraignment; compelling a plea from Albert R. Salman under threat of physical harm by bailiff and threat of imprisonment; and never giving a legal and lawful reason(s), pursuant to the law, for denying all of Albert R. Salman's motions at pre-trial hearings.

CHARGE #2. JUSTICE DEBORAH AGOSTI HAS VIOLATED N.R.S. 193.330, SECTION 1.

Albert R. Salman personally knows that JUSTICE

DEBORAH AGOSTI, in violation of N.R.S. 193.330, section 1, did knowingly, willingly and intentionally cause Albert R. Salman's Rights to be violated in Case No. CR98-0482, THE STATE OF NEVADA VS. Albert R. Salman, Second Judicial District Court of the State of Nevada in violation of the Constitution of the United States, the Constitution of the State of Nevada and the Nevada Revised Statutes.

CHARGE #3. JUSTICE DEBORAH AGOSTI HAS VIOLATED N.R.S. 195.030, SECTION 1.

Albert R. Salman personally knows that JUSTICE DEBORAH AGOSTI, in violation of N.R.S. 195.030, section 1, did knowingly, willingly and intentionally aid JUSTICE CLIFF YOUNG in keeping and securing his position as a JUSTICE of the Supreme Court of the State of Nevada while knowing that JUSTICE CLIFF YOUNG, since his latest illness, has become senile and mentally incompetent which bars JUSTICE CLIFF YOUNG from holding the august office of JUSTICE OF THE SUPREME COURT OF THE STATE OF NEVADA.

JUSTICE CLIFF YOUNG cannot today understand the Oath of Office that he swore to when he was elected to the Supreme Court of the State of Nevada. JUSTICE CLIFF YOUNG, today, cannot, pursuant to the Nevada Constitution, uphold the laws of the State of Nevada as defined by N.R.S.

199.170.

CHARGE #4. JUSTICE DEBORAH AGOSTI HAS VIOLATED N.R.S. 199.120, SECTION 1.

Albert R. Salman personally knows that JUSTICE DEBORAH AGOSTI, in violation of N.R.S. 199.120, section 1, did knowingly, willingly and intentionally render the decisions in Case No. CR98-0482, THE STATE OF NEVADA VS. Albert R. Salman, Second Judicial District Court of the State of Nevada; that Albert R. Salman could not utilize his Constitutionally guaranteed and protected Right to the Writ of Habeas Corpus; that Albert R. Salman could not utilize his Constitutionally guaranteed and protected Right under Article 6 of the Bill of Rights to understanding the charges that he must defend against; all of which she did not know to be true with the malice of forethought and intention to do criminal harm to Albert R. Salman as the Accused.

CHARGE #5. JUSTICE DEBORAH AGOSTI HAS VIOLATED N.R.S. 199.170, SECTION 1.

Albert R. Salman personally knows that JUSTICE DEBORAH AGOSTI, as District Judge, Department #3, Second Judicial District Court of the State of Nevada, in violation of N.R.S. 199.170, section 1, did knowingly, willingly and intentionally violate her Oath of Office when JUSTICE DEBORAH AGOSTI, as District Judge, rendered

the decisions in Case No. CR98-0482, THE STATE OF NEVADA VS. Albert R. Salman, Second Judicial District Court of the State of Nevada, with the intention of depriving Albert R. Salman of his Constitutional and Statutory Rights.

JUSTICE DEBORAH AGOSTI has further violated her Oath of Office by not informing the people of the State of Nevada that JUSTICE CLIFF YOUNG, since his latest illness, has become senile and mentally incompetent which bars JUSTICE CLIFF YOUNG from holding the august office of JUSTICE OF THE SUPREME COURT OF THE STATE OF NEVADA.

CHARGE #6. JUSTICE DEBORAH AGOSTI HAS VIOLATED N.R.S. 199.290, SECTION 1.

Albert R. Salman personally knows that JUSTICE DEBORAH AGOSTI, in violation of N.R.S. 199.290, section 1, has knowingly, willingly and intentionally concealed the fact that JUSTICE CLIFF YOUNG, since his latest illness, has become senile and mentally incompetent which bars JUSTICE CLIFF YOUNG from holding the august office of JUSTICE OF THE SUPREME COURT OF THE STATE OF NEVADA so that JUSTICE CLIFF YOUNG could remain as a JUSTICE OF THE SUPREME COURT OF NEVADA entitling JUSTICE YOUNG to the numerous benefits of that

august office for which JUSTICE CLIFF YOUNG is not entitled.

CHARGE #7. JUSTICE DEBORAH AGOSTI HAS VIOLATED N.R.S. 199.480, SECTION 3.

Albert R. Salman personally knows that JUSTICE DEBORAH AGOSTI, in violation of N.R.S. 199.480, section 3 and in conjunction with the other JUSTICES OF THE SUPREME COURT OF NEVADA, did knowingly, willingly and intentionally conceal the fact that JUSTICE CLIFF YOUNG since his latest illness, has become senile and mentally incompetent which bars JUSTICE CLIFF YOUNG from holding the august office of JUSTICE OF THE SUPREME COURT OF THE STATE OF NEVADA so that JUSTICE CLIFF YOUNG could remain as a JUSTICE OF THE SUPREME COURT OF NEVADA entitling JUSTICE YOUNG to the numerous benefits of that august office for which JUSTICE CLIFF YOUNG is not entitled;

DATED: this 22nd day of March 1999.

Albert R. Salman
Appellant
c/o P. O. Box 7492
Reno, Nevada [89510]
702-673-4308

CERTIFICATE OF APPELLANT

Under penalties of perjury, the undersigned declares that he is the Appellant named in the foregoing Criminal Charges Against JUSTICE DEBORAH AGOSTI and knows the contents thereof of the Charges and Supporting Documents; that the Charges are true of his own knowledge based on personal investigation; that the Appellant believes all grounds asserted to be legally valid and all supporting factual allegations to be true; that the Charges are made in good faith and not for purposes of delay or for other improper motive.

_____

Albert R. Salman
Appellant